(G.C.P.)J 455 (5,00,000)-11.2001) Spl-H.C.,A.S.,C.D.,78e

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Application No.565 of 2006
in
First Appeal No.1971 of 2005
With
Civil Application No.566 of 2006
In
First Appeal No.1972 of 2005

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions and Registrar's order.	Court's or Judge's orders

Smt.Seema Sarnaik for the applicant.

Shri N.V.Bandiwadekar for respondents.

CORAM: R.M.S.KHANDEPARKAR
&
SMT.R.S.DALVI, JJ

DATED: 6TH MARCH, 2006.

P.C.

1. Heard the learned advocates for the applicant and the respondents. This is an application for impleadment of the applicant as party to the proceedings in First Appeal No.1971 of 2005 and First Appeal No.1972 of 2005, respectively. Undisputedly, the applicant was not a party to the proceedings before the reference Court, wherein the award has been passed and the same is under

challenge in the said First Appeals. It is settled law that unless a person applying for impleadment at the appellate stage against the award passed by the reference Court is "interested person" within the meaning of the said expression under the land Acquisition Act, 1894 or was a party to the proceedings before the Reference Court in a proceeding under Section 18 of the said Act, the question of impleadment of such person at the appellate stage does not arise at all. Considering the same, the order passed on 10th February, 2006 directing the applicant in relation to this prayer of impleadment to be heard along with the first appeals is hereby recalled and the applications in respect of the said prayers are hereby dismissed.

. It is also to be noted that undisputedly, the applicant has filed the civil suits to vindicate the claim in relation to compensation awarded in the matter in hand. Being so, the applicant’s interests are well safeguarded and the civil court will look into the same. However, in order to enable the applicant to move, if he so desired, for interim relief, if any, in

the said civil suits, the parties shall not withdraw the compensation, if not withdrawn so far, for a period of four weeks. With these observations, the applications are disposed of.

(R.M.S.KHANDEPARKAR, J)

(SMT.R.S.DALVI, J)